

**REMARKS**

Claims 16, 18 and 21-33 are pending in this application. The Office Action rejects claims 16-17, 19, 22-23, 26-28, 30 and 32 under 35 U.S.C. §102(b); and rejects claims 18, 20-21 and 24-25 under 35 U.S.C. §103(a). By this Amendment, claims 16, 18, 29 and 31 are amended; claims 17 and 20 are cancelled; and new claim 33 is added. Support for the amendments to claim 16 may be found in original claims 17 and 20; support for new claim 33 may be found in the specification at, for example, page 1, lines 19-28. No new matter is added.

The courtesies extended to Applicant's representative by Examiner Chu at the interview held September 23, 2009, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicant's record of the interview.

**I. Rejection under 35 U.S.C. §102(b)**

Claims 16-17, 19, 22-23, 26-28, 30 and 32 are rejected under 35 U.S.C. §102(b) as anticipated by Reichenbach (U.S. Patent Application Publication No. 2004/0065932).

Applicant respectfully submits that Reichenbach does not disclose all the features of amended independent claim 16. Specifically, Reichenbach at least fails to disclose that the plug is made of polymer or of phosphosilicate glass. See original claim 17 and 20. By this Amendment, claim 16 is amended to substantially incorporate the features of original claims 17 and 20. Reichenbach does not disclose these features because the polysilicon disclosed by Reichenbach (paragraph [0046]) is not a polymer, and original claim 18 reciting phosphosilicate glass was non-rejected.

Accordingly, independent claim 16 is not anticipated by Reichenbach for at least the reasons discussed above. Dependent claims 22-23, 26-28, 30 and 32 therefore are also not

anticipated for at least the reason that independent claim 16 is not anticipated. Dependent claims 17 and 19 are cancelled.

Reconsideration and withdrawal of the rejection are respectfully requested.

**II. Rejections under 35 U.S.C. §103(a)**

Claims 18, 20 and 21 are rejected under 35 U.S.C. §103(a) as having been obvious over Reichenbach. Applicant respectfully traverses the rejection.

Applicant respectfully submits that Reichenbach does not teach or suggest all the features of amended independent claim 16. Specifically, Reichenbach does not teach or suggest that the plug is made of a polymer or a phosphosilicate glass. Reichenbach nowhere discloses using polymer or phosphosilicate glass, and provides no reason or rationale for a person of ordinary skill in the art to use these particular materials.

The Office Action states "it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice." However, the Office Action provides no reason or rationale as to why polymer or phosphosilicate glass would have been known to be suitable for use in the presently claimed microcomponent, in place of the reference;s specific disclosure of the use of polysilicon. Applicants respectfully assert that *no showing* has been made as to why the particular material of polymer or phosphosilicate glass would have been known to be *used in the particular context* of the presently claimed invention. Applicants respectfully assert that the non-obviousness of the invention must be determined "as a whole." See 35 U.S.C. §103(a), and MPEP 2141.02.

Accordingly, to the extent that amended independent claim 16 incorporates the features of claim 20, claim 16 would not have been obvious over Reichenbach for at least the reasons discussed above. Dependent claims 18 and 21 therefore would not have been obvious for at least the reason that independent claim 16 would not have been obvious.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 24 and 25 are rejected under 35 U.S.C. §103(a) as having been obvious over Reichenbach in view of Murari (U.S. Patent No. 6,779,247). Applicant respectfully traverses the rejection.

Applicant respectfully submits that Murari does not cure the deficiencies of Reichenbach, as discussed above. Specifically, Murari is cited merely for its teaching regarding the thickness of the plug. See the Office Action at page 6. Murari therefore does not teach or suggest that the plug is made of polymer or phosphosilicate glass.

Dependent claims 24 and 25 therefore would not have been obvious over Reichenbach in view of Murari for at least the reason that independent claim 16 would not have been obvious over Reichenbach alone.

Reconsideration and withdrawal of the rejection are respectfully requested.

### **III. Allowable Subject Matter**


Applicant thanks the Examiner for designating claims 29 and 31 as containing allowable subject matter. By this Amendment, claims 29 and 31 are amended to be independent form.

### **IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

  
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WPB:STD/std

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